

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

BRADLEY DALE STENBERG, and
BOBBIE JEAN STANFORD

Plaintiffs,

v.

No.: 14-1019-JDB-egb

WEAKLEY COUNTY, TENNESSEE,
MARK BLACK, in his official and individual
capacities, RANDALL McGOWAN, in his official
and individual capacities, MARTY PLUNK, in his
official and individual capacity, and ERIC SMITH
in his official and individual capacities

Defendants

REPORT AND RECOMMENDATION

Before the Court for determination or report and recommendation [D.E. 24] is the February 27, 2015 motion of Defendants, Weakley County, Tennessee, Mark Black, Randall McGowan, Marty Plunk, and Eric Smith to compel discovery and amend the scheduling order on a limited basis [D.E. 23]. The Plaintiffs have filed a Response to the Motion [D.E. 26]. On March 20, 2015, the Court conducted a hearing with counsel during which, it was learned that most of the issues in here had been resolved beforehand. So as to memorialize the agreements, of the parties as presented to the Court, this motion to compel and to amend the scheduling order is well-taken and as such, it is recommended that the District Court grant the motion to compel. Further, it is recommended that Plaintiffs — within five days of this recommendation being accepted — shall fully supplement their initial discovery responses to the First Set of Discovery to cure the insufficiencies outlined in detail in the Defendants' Motion to Compel. It is also recommended that Plaintiffs shall also submit full and complete responses, without objections which have been waived, to Defendants' entire Second Set of Discovery within five (5) days of the acceptance of this Report and Recommendation.

Finally, due to the delays described in the Motion to Compel and other factors discussed during this

hearing on the Motion, including that Plaintiff's counsel has been unable to consistently confer with his client, as well as a significant delay associated with acquiring a transcript of a motion to suppress hearing conducted in the state court criminal case of Plaintiff, that was not the fault of any of the parties or counsel in this case, good cause exists to amend the Scheduling Order [D.E. 17]. After discussing the status of the case, the undersigned recommends that the Court permit amendment of the Scheduling Order and the Discovery Deadline to Conduct Depositions and for the parties to engage in ADR up to and through May 29, 2015. At the request of the Plaintiff, the Magistrate Judge also recommends that the deadline for written discovery to be extended to April 30, 2015 and the Dispositive Motion deadline shall be extended up to and through June 30, 2015.

Also, the Magistrate Judge notes that as this is the first request by the parties for any extension of deadlines in this cause of action and the Court has found good cause exists for the extension of the deadlines noted above, **however, those extensions will necessitate a continuance of the trial date in this matter, which is currently set for September 8, 2015.**

Plaintiffs has also informed the Court that they wish to withdraw their Motion to Amend Scheduling Order [D.E. 26], filed on March 19, 2015 which is pending before the Court but has not been referred to the Magistrate Judge at this time, and the undersigned recommends that the Motion be denied as moot or terminated at the Court's discretion.

Upon agreement of the parties, Plaintiffs are warned that their continued failure to cooperate with the discovery process could result in the dismissal of this action, pursuant to Fed. R. Civ. P. 37(b)(2) and (d)(3).

Respectfully submitted this 20th day of March, 2015.

s/Edward G. Bryant
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT AND RECOMMENDATIONS MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT AND RECOMMENDATIONS. 28 U.S.C. § 636(b)(1). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.